IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.893 OF 2005

Aasu Exim Pvt. Ltd. ..Petitioner.

V/s.

The Union of India & Ors. ..Respondents.

Mr.Prakash Shah i/b. M/s. D.S.K. L:egal for petitioner.

Mrs.N.V.Masurkar with Y.S. Bhate for respondents.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 10TH MARCH, 2005.

P.C. :-

1. Rule. Rule, returnable forthwith

2. The learned counsel for the respondents waives service.

3. Heard the learned counsel for the petitioner and the respondents.

4. By this petition the petitioner challenges the threatened action of the respondents to invoke the bank guarantee. The contention of the petitioner is that the petitioner has already filed an appeal before the Commissioner of Customs dated 21st February, 2005 and the petitioner has already filed a stay application before the the Commissioner of Customs. In view thereof and in view of the settled legal position, the respondents should not invoke the bank guarantee till the aforesaid stay application is decided and for a period of one week thereafter.

5. Petition stands disposed of accordingly.

6. Parties to act on an ordinary copy of this order duly authenticated by the Shirestedar/C.S.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)